

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF TEXAS FORT WORTH DIVISION**

EUGENIO VARGAS,

**Plaintiff/Counterclaim
Defendant,**

V.

**ASSOCIATION OF PROFESSIONAL §
FLIGHT ATTENDANTS, *et al.*, §**

Defendants/Counterclaim Plaintiff.

§ 87(2)(b)

Civil Action No. 4:22-cv-403-Y

Judge Terry R. Means

**PLAINTIFF'S SECOND MOTION TO COMPEL DEFENDANTS'
PRODUCTION OF DOCUMENTS**

Now comes the Plaintiff, EUGENIO VARGAS (hereinafter “Plaintiff” or “Vargas”), by and through undersigned counsel, pursuant to Federal Rules of Civil Procedure 34, 37, and Local Rules 5.2 and 7.1 and files his Second Motion to Compel Defendants ASSOCIATION OF PROFESSIONAL FLIGHT ATTENDANTS (hereinafter “APFA”), Julie Hedrick and Erik Harris (collectively referred to as “Defendants”) Production of Documents and withdraw objections to Plaintiff’s requests for production and produce whatever documents may be in Defendants’ possession or subject to its control that are responsive to Plaintiff’s Second Request for Production served upon Defendant in this cause and in support thereof would respectfully show as follows:

II. FACTS

Now comes the Plaintiff, Eugenio Vargas (hereinafter “Plaintiff” or “Vargas”), by and through undersigned counsel, pursuant to Federal Rules of Civil Procedure 34, 37, and Local Rules 5.2 and 7.1 and moves the Court to Compel Defendants ASSOCIATION OF PROFESSIONAL

FLIGHT ATTENDANTS (hereinafter “APFA”), Julie Hedrick and Erik Harris (collectively referred to as “Defendants”) to withdraw their objections to Plaintiff’s discovery and respond and produce whatever documents may be in Defendants’ possession or subject to Defendants’ control that are responsive to Plaintiff’s Request for Admissions, Plaintiff’s Interrogatories and Plaintiff’s First Request for Production served upon Defendant in this cause and in support thereof would respectfully show as follows:

II. FACTS

Plaintiff served Defendants with PLAINTIFF’S REQUEST FOR PRODUCTION, APFA on August 14, 2023. Defendants responded to PLAINTIFF’S REQUEST FOR PRODUCTION, FIRST SET OF INTERROGATORIES TO DEFENDANT, APFA AND PLAINTIFF’S REQUEST FOR ADMISSIONS TO DEFENDANT, APFA via email on September 13, 2023.

Defendants’ Responses to Plaintiff’s Second Requests for Production are attached hereto in Plaintiff’s Appendix to Motion to Compel and are incorporated herein by this reference for all purposes. (*See* Appendix Pgs. 54-59). Defendants objected to Plaintiff’s Requests for Production No.’s 3, 4, 5, 6, 7, and 8. All of the requests by Plaintiff in the Requests for Production are necessary to enable Plaintiff to prepare for trial in this cause. Defendants’ objections have no merit. Plaintiff is seeking an order from this Court ruling the objections should be withdrawn and the Requests properly answered by Defendants.

Without the documents requested, Plaintiff will not be able to effectively prove his claims at trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays as follows:

1. That Defendants be ordered to withdraw their objections be ordered to produce documents and respond to Plaintiff's discovery requests.
2. Movant be awarded such other and further relief, legal or equitable, which Movant may show itself justly entitled to receive.

Respectfully submitted,
K.D. PHILLIPS LAW FIRM, PLLC

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ATTORNEY FOR PLAINTIFF

Local Rule 7.1(b) Conferral and Certificate of Conference

Pursuant to Local Rule 7.1(b) I hereby certify that counsel for the movant has conferred with Defendant in a good faith effort to resolve the issues raised herein. Plaintiff's counsel conferred with Defendants' counsel on via email on September 14, 2023, September 15, 2023 via telephone call, September 20, 2023, September 22, 2023, September 23, 2023, October 12, 2023, October 15, 2023, October 19, 2023, October 20, 2023, October 21, 2023, October 25, 2023. A telephone call was held on September 15, 2023 wherein the concerns and objections were discuss, in particular. Defendants continues to delay, then produce documents Plaintiff produced, or previously produced documents Defendants produced, or substantially redacted documents, but in essence fails to conduct any meaningful review, search and recovery of the APFA server. Defendants fail to produce any adequate communications or documentation in response to Plaintiff's requests. As of the date of filing this Motion, Plaintiffs served extremely limited responses. Counsel conferred and they are opposed to the Motion.

Date: October 27, 2023

By: /S/ Kerri Phillips
Kerri Phillips

CERTIFICATE OF SERVICE

I certify that on October 27, 2023, a true and correct copy of the above was served on Defendants' attorneys, via the e-filing manager.

/S/ Kerri Phillips
Kerri Phillips

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